

Remarks

In the Office Action, dated June 9, 2004, the Examiner allowed claims 7-11, 15-19, and 26-30. The Examiner also stated that claim 23 would be allowable if rewritten in independent form. Claims 1-6, 20-22, 24, and 25 were rejected.

As an initial matter, the Applicant would like to thank the Examiner for her participation in an interview, on December 9, 2004, concerning the proposed amendment to claim 20, discussed herein below.

Claims 1-6 have been cancelled. Applicant respectfully submits that claims 1-5 are not anticipated by the Yu reference (United States Patent No. 5,186,684). Nor is claim 6 obvious to one of ordinary skill in the art in light of the Yu and Dugmore, et al. (United States Patent No. 6,457,838) references. However, these claims are now cancelled to permit the remaining claims in this application to proceed to issuance. Claims 1-6 may again be presented in a continuation application.

Claims 24 and 25 have also been cancelled. These claims are now redundant given the present amendment to claim 20.

Claim 20 has been amended. The Examiner rejected claim 20, under 35 U.S.C. §102(b), as being anticipated by the Maglica reference (United States Patent No. 4,577,263). As explained during the December 9th interview, the Maglica reference discloses a flashlight where axial movement of the head assembly toward at least one of the batteries: (1) first causes axial movement of the reflector relative to the lamp (thereby varying the dispersion of the light beam)(Col. 2, ll. 25-29); and (2) then causes axial movement of the reflector together with the lamp (causing the lamp to stop emanating light)(Col. 2, ll. 29-37). The head assembly is thereafter incapable of further axial movement toward at least one of the batteries (i.e., the head

assembly is fully rotated onto the cylindrical tube). At no point, once axial movement of the reflector together with the lamp commences, can further axial movement of the head assembly toward at least one of the batteries cause axial movement of the reflector relative to the lamp.

Claim 26 has been amended to correct a minor typographical error.

Claim 31 has been added. New claim 31 is equivalent to prior claim 23 rewritten in independent form.

Finally, Applicant respectfully submits that claims 21 and 22 are now in condition for allowance given the amendment to claim 20.

Based on the foregoing, the Applicant respectfully submits that the Examiner's rejections have been traversed and pending claims 7-11, 15-23, and 26-31 are all in condition for allowance. If such is not the case, the Examiner is kindly requested to contact the undersigned in an effort to satisfactorily conclude prosecution of the application.

Respectfully submitted,

JONES DAY

Dated: December 9, 2004

By: 
Charles A. Kertell
Reg. No. 41,891

555 West Fifth Street, Suite 4600
Los Angeles, California 90013-1025
(213) 489-3939